UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-3212 (JNE/JJG)

JUST TRUFFLES, INC.,

Plaintiff,

v.

PRETRIAL SCHEDULING ORDER

NONNIE WALLER'S TRADITIONAL SOUTHERN,

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

DISCOVERY SCHEDULE/DEADLINES

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **September 27, 2007**.

2. Fact discovery shall be commenced in time to be completed on or before **March 27, 2008**.

DISCOVERY LIMITATIONS

1. No more than a total of **40 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **50 document requests** and no more than **25 requests for admissions** shall be served by each side.

2. No more than **ten (10)** depositions, excluding expert witness depositions, shall be taken by either side.

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EXPERTS

1. Each side may call up to **two (2)** expert witnesses. Accordingly, each party may take one deposition per expert.

2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

   a. Identities by Plaintiff on or before **December 27, 2007**.
   Reports by Plaintiff on or before **January 27, 2008**.

   b. Identities by Defendant on or before **February 1, 2008**.
   Reports by Defendant on or before **March 3, 2008**.

3. Expert discovery, including depositions, shall be completed by **April 3, 2008**.

NON-DISPOSITIVE MOTION DEADLINES

All non-dispositive motions shall be scheduled, filed, and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, **and in the form prescribed by Local Rule 37.2.** All non-dispositive motions shall be scheduled for hearing by calling Mary Lenner, Judicial Assistant to Magistrate Judge Graham, at (651) 848-1890, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion.

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **January 18, 2008**.

   Motions which seek to amend the pleadings to include punitive damages, if applicable, must be filed and served on or before the deadline for fact discovery.

2. Except as indicated in paragraph 3, non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **March 27, 2008**.

3. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **April 3, 2008**.

Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

4. Prior to scheduling any non-dispositive motion, parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved with the Magistrate Judge. The Court requires that: (1) all parties be in agreement to informal resolution of the matter and (2) the "moving party" electronically file a letter representing that all the parties are in agreement to resolving the matter without formal motion and setting forth the single, well-defined issue to be resolved. Upon receipt of such, the Court will determine whether the matter may be handled informally. If it is determined the matter can be resolved informally, the parties will be contacted by the Court to schedule a telephone conference and allow for written response to the letter by the "moving party." For leave to proceed in a manner other than that outlined above, the requesting party shall electronically file a letter setting forth the specific request.

DISPOSITIVE MOTION DEADLINES

All dispositive motions shall be filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. Dispositive motions may be scheduled for a hearing by calling Sheri Frette, Calendar Clerk to District Judge Joan N. Ericksen, at 612-664-5891. Counsel are reminded that they must anticipate the time required for obtaining hearing dates. All dispositive motions shall be filed and served on or before **April 28, 2008**.

TRIAL

This case shall be ready for jury trial on **August 1, 2008**. The anticipated length of trial is **four (4)** days.

Dated: September 14, 2007

s/Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge